

REMARKS

The paper is in response to the Office Action mailed March 11, 2009 ("the Office Action"). The foregoing amendment amends claims 31, 41, 42, and 44; and adds new claim 48. Claims 31-48 are now pending in view of the amendments (claims 1-30 having been canceled by a previous amendment), of which claims 31, 42, and 44 are independent. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 31, 33, 35-38, 41-45, and 47 under 35 U.S.C. §102(b) over *Balogh* (U.S. Patent Publication No. 2001/0023446). Applicants respectfully traverse the rejection.

According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(a), (b), or (c) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The reference must show the identical invention in as complete detail as is contained in the claim. Finally, the elements must be arranged or combined as required by the claim.

Claim 31 recites "displaying an interface for keyset profile management in a wireless network, the interface including: a user-selectable option to select a keyset profile, the selected keyset profile including a plurality of keysets." In addition, claim 31, as amended, recites "wherein each of the keysets in the keyset profile includes a set of multiple keys and each is associated with a distinct group of one or more access points in the wireless network." The foregoing limitations are not described in *Balogh*.

The Examiner identified an information set described in *Balogh* as the claimed "keyset profile." According to *Balogh*, "Information sets are preferably determined for logically separate networks. For instance the NW1 and NW2 advantageously have their own information sets." See *Balogh* at ¶¶ 24 and 27. The information sets include "the settings needed to access networks and different network resources" (see *id.* at ¶ 24), which can include "keys" (see *id.* at ¶ 32).

However "keys" do not constitute "a plurality of keysets...wherein each of the keysets in the keyset profile includes a set of multiple keys," as claimed. Furthermore, even if multiple keys in an information set could be considered a distinct keyset (as the Examiner appears to imply at page 2 of the Office Action), *Balogh* does not describe an association of certain keys with distinct groups of one or more access points such that each one of a plurality of keysets purported to exist in the information set "is associated with a distinct group of one or more access points in the wireless network," as presently claimed. Instead, based on the description of information sets being "determined for logically separate networks," all keys in an information set appear to be associated with all access points in the corresponding network.

In light of the foregoing, Applicants respectfully submit that claim 31 is not anticipated by *Balogh*. Moreover, claims 42 and 44, although of different scope with respect to each other and to claim 31, both recite language similar to that of claim 31 discussed above. For example,

each of claims 42 and 44 recites "wherein each of the keysets in the keyset profile includes a plurality of keys and each is associated with a distinct group of one or more access points in the wireless network." Accordingly, *Balogh* does not anticipate claims 42 and 44 for at least the same reasons discussed above with respect to claim 31. Therefore, Applicants respectfully request that the rejection of claims 31, 42, and 44, and corresponding dependent claims 33, 35-38, 41, 43, 45, and 47, be withdrawn.

Rejection under 35 U.S.C §103(a)

The Office action rejects claims 32, 34, 40, and 46 under 35 U.S.C §103(a) over *Balogh* (U.S. Patent Publication No. 2001/0023446) in view of *Klein* (U.S. Patent No. 7,103,661)¹ and rejects claim 39 under 35 U.S.C §103(a) over *Balogh*. Applicants respectfully traverse the rejection.

To support an obviousness rejection, MPEP §2143.03 requires "all words of a claim to be considered." Further, the Board of Patent Appeal and Interferences recently confirmed that a proper, post-KSR obviousness determination requires "a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art." *In re Wada and Murphy*, Appeal 2007-3733 (BPAI 2008), citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Moreover, as the Supreme Court recently stated, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

In the discussion above it was noted that *Balogh* does not anticipate claims 31 and 44 because *Balogh* does not describe certain limitations of claims 31 and 44. Applicants further submit that *Balogh* does not teach or suggest such limitations. Therefore, inasmuch as claims 32, 34, 39, and 40 depend from and include every limitation of claim 31 and *Balogh* fails to teach or suggest every limitation of claim 31, no *prima facie* case of obviousness has been established

¹ Because *Klein* is only citable under 35 U.S.C. §102(c), Applicants do not admit that *Klein* is in fact prior art with respect to any or all of the claims of the present application, but rather reserve the right to swear behind *Klein* in this application or a divisional, continuation, or CIP thereof, thereby removing *Klein* as a reference.

with respect to claims 32, 34, 39, and 40. Similarly, inasmuch as claim 46 depends from and includes every limitation of claim 44 and *Balogh* fails to teach or suggest every limitation of claim 44, no *prima facie* case of obviousness has been established with respect to claim 46.

Further, with respect to claim 39, the Examiner noted that “*Balogh* does not explicitly disclose wherein the interface further includes a user-selectable option to delete the selected keyset...[but] [i]t would have been obvious...to provide *Balogh*’s user interface with a user-selectable option to delete the selected keyset.” The Examiner’s reasoning here appears to assume that in the user interface of *Balogh* a keyset is selectable. However, the Examiner has not established—beyond mere assertion—that a keyset (which “includes a plurality of keys,” as recited in base claim 31) is selectable. At page 3 of the Office Action, the Examiner alleged that because *Balogh* describes an interface that permits a user to change the settings in an information set, “the user would be able to...select...the keys stored in the information set.” However, a “keyset...[that] includes a plurality of keys” would not necessarily be selectable simply because the interface allows for changing settings in the information set. *See MPEP* § 2112.IV (“The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.”) For example, in the absence of evidence to the contrary, the interface in *Balogh* might limit a user to changing one key (or other setting) at a time. Thus, the user would be limited to selecting only one key, not a “keyset...[that] includes a plurality of keys.”

Further with respect to claim 39, Applicants note that the Examiner is relying on personal knowledge as a basis for the rejection. Particularly, the Examiner has simply stated that “having the option to delete a specific setting was well known,” and the Examiner has not identified any references or other materials as being obvious to combine with the purported teachings of *Balogh*. In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicant hereby respectfully requests an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claim 39 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claim 39.

New Claim 48

New claim 48 is added by this amendment. Applicants respectfully submit that new claim 48 is allowable at least by virtue of its dependence from allowable claim 31.

Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 11th day of June, 2009.

Respectfully submitted,

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